

# **PLANNING COMMISSION**

## **ACTION MINUTES**

**TUESDAY, APRIL 17, 2001**

Chair Parsons called the meeting to order at 7:04 p.m. at the Twin Pines Senior and Community Center.

### **1. ROLL CALL:**

Present, Commissioners: Wiecha, Gibson, Petersen, Mathewson, Parsons, Purcell-arrived 7:06pm, Torre-arrived 7:15

Present, Staff: Community Development Director Ewing, Principal Planner de Melo, Senior Planner Livingstone, Associate Planner Ouse, Contract Planner Haag, City Attorney Savaree, Recording Secretary Flores

### **2. AGENDA STUDY SESSION:**

C Petersen asked staff if the Commission passed the items on the Consent Calendar, then whether or not the projects on the current agenda would be subject to the new amendments. CDD Ewing said no because the Commission is simply voting to recommend these amendments to the Council and it will probably be two to two and a half months until these amendments become law. C Petersen then asked why there have not been any dwelling size comparison grids presented to the Commission in any recent Staff Reports. CDD Ewing answer this was because these grids are usually only used for Floor Area Ratio projects, which there have not been any lately and staff does not normally do dwelling size comparison grids for Design Review.

- 3. **AGENDA AMENDMENTS:** None
- 4. **COMMUNITY FORUM (Public Comments):** None
- 5. **CONSENT CALENDAR:**

**Resolution for Amendment to Sections 8.1.4 and 8.4.1 (Parking) - Belmont Zoning Ordinance Consistent with Action taken by the Planning Commission on April 3, 2001.**

**Resolution for Amendment to Section 9.23 (Grading) - Belmont Municipal Code Consistent with Action Taken by the Planning Commission on April 3, 2001.**

**Resolution for Amendment to Section 2.60 "Floor Area, Gross" Definition - Belmont Zoning Ordinance Consistent with Action Taken by the Planning Commission on April 3, 2001.**

**Resolution Denying a Conditional Use Permit, Design Review, and Grading Plan to Construct a 2,900 Square Foot Commercial Building at 780 El Camino Real Consistent with Action Taken by the Planning Commission on April 3, 2001.**

**MOTION: By C Mathewson, seconded by C Wiecha, to approve the consent calendar.**

Ayes: Wiecha, Gibson, Petersen, Mathewson, Parsons

Noes: Purcell

Absent: Torre

**Draft Minutes for Planning Commission Meeting of 3/07/01.** - No minutes presented

6. **STUDY SESSION:** None
7. **PUBLIC HEARINGS:**

**Public Hearing – 2927 San Juan Boulevard: To consider a Single Family Design Review, Grading Plan and Tree Removal Permit to construct a new two-bedroom 1,200 square foot single family house in a zoning district that permits a maximum floor area of 1,200 square feet. (Appl. No. 00-1068); APN: 043-202-030 Zoned: HRO-2 (Subdivided Hillside Residential Open Space); CEQA Status: Exempt; Jerry Chapman (Applicant); Alice Chapman (Owner)**

SP John Livingstone summarized the Staff Report and informed the Commission that the applicant was present.

Chair Parsons asked staff if they remember how much approved grading there was. CDD Ewing answered about 900 cubic yards.

C Gibson asked if a notice of Public Hearing is required on site. SP Livingstone said yes and the applicant was informed that they are supposed to do so. C Gibson informed staff that there is no notice on this particular site. Chair Parsons asked if there was a legal implication because of this. CDD Ewing said that he would look at the ordinance that deals with noticing and would report back.

C Petersen asked what is the allowable percentage slope was. SP Livingstone noted that there is no limit on the percentage of slope that can be built on. PP De Melo indicated that there is a forty-percent recommended amount of slope but there is no amount that shall not be exceeded.

C Mathewson pointed out that the plans show 900 cubic yards of cut but asked about the area around the retaining wall that is for drainage. SP Livingstone said that the engineers gave a gross figure that would count gravel and such. SP Livingstone said that there is no fill amount and that the figure must be either a net figure or it is not entirely accurate.

Jerry Chapman spoke to clarify some questions. Addressing the lack of a notice on site, he said that this meeting was the first time he had heard of him being required to do that. He said that if he had known, he definitely would have done it because he would not want to jeopardize his Design Review. In response to the yardage, he said that the house was designed for 2,300-sq. ft. and was a 3-story stacked house. He took off the top story because the people selling him the lot for the density transfer backed out at the last minute; he needed to pull the plans to redesign them. He said that the foundation and driveway are exactly the same except that the top story is eliminated. In response to "cut and fill," he said that the technique used is an ICF block, which will only require about six inches behind the retaining walls. The total amount of gravel is estimated to be about 20 yards at the maximum for the fill. It was recalculated because he wanted to show that he would take out a maximum of 900 but could be as low as 850 or 825 depending on how it is done.

CDD Ewing responded to the question about notification of Design Review and the procedures require no notification and go unspecified in the Zoning Ordinance. Tree Removal Permits do not require a notice but he would have to check for Grading. Noticing appears to be only necessary for Conditional Use Permits, Variances, and Subdivisions.

C Gibson commented that he thinks that the grade is about 12 or 13 percent. He thinks that the floor of the garage could be raised up to reduce the cut and that this would also help to reduce the retaining wall, which at this time shows from the front. Jerry Chapman said that the driveway was originally designed at 18 percent and he has raised the house as high as possible in order to meet the City's standards for Public Works. On the plans, one side shows a 12 or 13 percent grade but the other side shows an 18 percent grade.

Chair Parsons asked if there is any reason why the retaining wall has to stick up above the roofline. Mr. Chapman answered that the retaining wall will go above grade by about 6 inches in order to minimize debris

from the hill. Chair Parsons stated that he would like to make it a condition that the retaining wall cannot rise up on both sides of the house. Mr. Chapman said that it is possible and he agreed to the condition.

Open Public Hearing

**MOTION: By C Purcell, seconded by C Mathewson, to close the Public Hearing.**

Passed 7-0

C Gibson feels that there will be a lot of grading and money involved, which will be quite a burden to neighbors and traffic on San Juan Boulevard, especially with another project occurring at the same time. He feels that 900 yards is excessive for this project. He also objects to the number of trees that are being removed because this will change the general look of the lot. Overall, the 1,200 sq. ft. house is out of character with the rest of the street because it is so small, especially without the top story.

C Purcell said that she agrees with C Gibson on the amount of grading, in that 900 cubic yards equals approximately 90 dump trucks driving down the street. She mentioned that replacing a 100-year-old tree with a 24-inch box just isn't the same tree. The three trees to be removed are not the only trees concerned. The Tree Arborist Report says that these three trees are some of the best on the entire lot. Other trees are likely to be damaged or destroyed by the construction. She mentioned that the area around trees numbers 6-8 is extremely steep and beginning to erode due to survey crew foot traffic. She feels strongly about keeping to the Tree Ordinance. She has no comments about the house itself except that she prefers the smaller size because there is a shortage of small houses in Belmont.

C Mathewson echoed both C Gibson and C Purcell about the size of the cut. He feels that in the past, the Commission has not looked closely enough at cuts on the hillsides. He says that 43 percent is not an inconsiderable slope and he too is worried about the trees. He is torn on whether a smaller house is preferable or not. He read from the conditions of the retaining walls and mentioned that the Commission has been trying to reduce the amount of split face block.

C Gibson wanted to add that even though it would be a small house, it would not necessarily be an affordable house because of the cost of the property and foundation. It will be out of the range of what the Commission generally considers affordable.

C Petersen expressed concern regarding the grading, the slope, and the trees. She stated that the City should look more closely at the slopes, especially with possible further development in that part of town.

C Torre echoed some of the same thoughts about the steep slope. Her problem with projects like this particular one is that the City created a legal parcel. The best tree is tree #5, however she cannot imagine developing any housing on the lot without affecting trees #3, 4, and 5. She does think that the General Plan revision that is planned to occur should give the Commission more direction in this area so that the Commission can go through the issues and make an effort to deal with them. Her problem is with which has legal precedence: The Tree Ordinance or the Legal Parcel that has the right to build? She does not know if the Commission planned not to allow building on a site where there is a tree in good condition. She did not think of the lot as having the possibility of building a house but instead thought of it as a yard for the properties next to it, but it is a legal parcel in the City. She wants the other Commissioners to address this issue.

C Purcell said that she would like to hear from staff about what the chances are and options are for making the small lots into larger lots in a manner besides a Density Transfer, which did not work for Chapman. She wants more detail to be told about the project and about the Density Transfer Study.

Chair Parsons said that the Commission has a problem with the General Plan. Chair Parsons wanted to confirm that the General Plan discourages development on this steep of a lot. CDD Ewing answered that he was correct. However, Chair Parsons said that it is a legal, buildable lot. The Tree Ordinance does not supercede a subdivided lot and the right of the owner to develop it. The ordinance is supposed to help to allow reasonable use on the property, so there's a balancing act. He thinks that the consensus of the Commission is that the proposed grading is more than necessary to allow reasonable use of the site.

Chair Parsons wanted to discuss a continuance to give the applicant an opportunity to redesign if interested. Currently the house sits on top of the garage. He looked at the possibility of raising the house up about a foot, which could lead to less grading. He too was concerned about the trees but he could not find a way to build on the site without taking out the trees. He did not know if there is enough square footage for the necessary cubic footage for the garage. The only other way to build the house would be to separate it from the garage, which would still lead to tree removal. Either way, trees will be lost, so the house may as well be built on the garage to not take out any more trees.

PP de Melo noted that there is a maximum of 18 percent grade for a driveway. It can be approved with a higher percentage but there are specific additional conditions that have to be met. However, this project has not been reviewed as a Grading Project with the necessary conditions.

C Purcell wanted to confirm that she had heard Jerry Chapman say that 16 percent was the average driveway grade recommended by Public Works. PP de Melo responded that 16 percent was correct but that the building code allowed 18 percent.

C Gibson asked whether or not the applicant has a right to build. CA Jean Savaree says that if someone has a legal parcel and can meet the requirements of the City's ordinances, then they do have a right to build but they must be able to make the findings that are required. She thinks that the Commissioners are troubled by the amount of grading. She thinks that the best approach may be to continue the matter and direct staff to work with the applicant to determine whether or not there is a way to reduce the grading and that that may be by increasing the grade on the driveway. Then the Commission could decide if they were more comfortable with the findings for a Grading Permit.

C Torre wanted staff to follow up on certain questions because she thinks that this is helpful with other cases as well. This applicant may not be able to meet the ordinances if it is decided that there is excessive grading. She wanted to get back to the trees and what to do when the trees on the site are in excellent condition and the site cannot be built on unless the trees are removed. She believed that not building where there are excellent trees was arguably one of the purposes of the ordinance. CDD Ewing said that one of the factors in approving a Tree Removal Permit is to evaluate and confirm that all efforts have been made to protect trees to allow reasonable use of the site, including locating the house to minimize the number of trees to be removed. C Torre asked if it requires simply doing the best an applicant can to design the house to minimize the impact. She stated her understanding that it would also not take precedence over a legal right to build if the applicant is in conformity with all the other ordinances. CDD Ewing repeated that all efforts have to be made to minimize the number of lost trees. C Torre said she wanted to be clear because the issue comes up frequently. CDD Ewing stated that the Tree Ordinance requires the applicant to strike a reasonable balance.

C Petersen brought up the issue of an applicant's right to build and mentioned a seminar she attended that addressed this issue. However, she did not agree that simply because a lot is a legal lot in the City it means that there is a right to build but instead, that the applicant must meet the ordinances. CA Savaree said it was true that the City's ordinances lay out those findings that must be made when an applicant comes before the Commission to ask for a permit. She then added that in making the findings, there must be facts to support them. It is not appropriate for the Commission or the Council to determine that a project cannot be built and make findings without any facts. If a writ were filed, the court would look for substantial evidence with facts to support the findings. She said that there must be findings to support that an applicant cannot meet the ordinance.

Chair Parsons went through an example with the current project. He said that if it were possible to raise the house up a few feet, then that would be a reason that the project could be denied. CA Savaree agreed that the Commission could indicate that there are facts to support an alternative that would require less grading and therefore the Commission could not make finding #3.

C Purcell had a conflict with finding #1 about endangering the stability of the site or adjacent properties. She felt uneasy because she could see this having "nightmare" results due to the steep lots. She acknowledged that this is not a finding, though, and the Engineering Report states it to be a possible site that is okay to build on. Public Works did not see any significant problems either. She asked how she could make a finding when it is simply based on her uneasiness and her comparison of this project to other "nightmare" projects.

CDD Ewing added that if the Geologist clears up the questions and clarifies his opinion, then it would be hard to go against his findings without other facts. He said that of the grading findings, 1, 2, 5, and 6 are more dependent on technical facts, which are often not at the Commission's disposal other than what the staff provides and has the Geologist approve. Findings 3 and 4 give an opportunity to identify facts more related to designing alternative plans and that is where facts related to other designs requiring less grading can be useful.

C Purcell asked if there were any figures on how much the grading would be reduced if Chapman were able to raise the driveway two degrees. CDD Ewing said he was not sure. C Gibson quoted some numerical figures to make an estimate.

C Wiecha asked if the staff had the City Geologist review this site. SP Livingstone said that they did not because it was not required at this phase. C Wiecha asked why it was not required since staff had the City Geologist do independent reviews on other projects. SP Livingstone said that on other projects, the applicant had done so as a courtesy, but that it is not required. C Wiecha said that a Geotechnical Engineer had certified only item #1 and the Commission did not have its own independent review of facts or the site. SP Livingstone confirmed that the City Geologist had never been to this specific site.

C Wiecha said that this is a concern of hers and she would like to see the City Geotechnical Report on a huge excavation like this project because she is not comfortable making finding #1 based on the information provided by the applicant. CDD Ewing asked on what basis she was making this decision. C Wiecha said on the basis that she thinks that an independent review by the City would be advisable. CDD Ewing reminded her that there are thirty-five conditions from Public Works associated with the grading and development of the site including further review and confirmation, and the project would only be permitted to move forward if it was built in accordance with the plans that the Commission is currently reviewing. He said he was not sure that an independent review would be material to the finding.

C Wiecha said that the Commission only has one engineer's opinion, not a Geologist's opinion. She is not convinced that the Geotechnical Report has adequately addressed the geological issues involved in the large rock excavation. CDD Ewing said those were the facts he needed to support her claim. He said that on that basis, she had something to work with on finding #1, and probably a basis for continuance if that is the concern in this regard. C Wiecha said she would need to see the changes she described before she could take a vote. Her other concern with the analysis is with items 3 and 4, and she thinks that by the end of this project, there will be a large excavation. It will include a house set into the ground with a roofline located at the finished ground level, and she does not think that this is visually compatible with the neighborhood. She thinks that the house is a strange design that she is not convinced is advisable. It is not a balanced design for the amount of grading for the small size of the house.

C Petersen had a question for legal counsel based on past experience. She thought that maybe there is not a major problem with one finding but a little problem with many of the findings. The little problems with each finding could add up to one big, cumulative problem. CA Savaree said that when looking at a project in which there are multiple, different entitlements, the easiest way to analyze them is to separate out each one. She said that if one of the findings is missing, then the permit should not be granted. The facts must always be there for each finding. C Petersen referred back to a past project and the problems that arose two years after it had been approved. She simply does not want to create a like-project.

C Torre said originally there had been a third floor and asked why Mr. Chapman had not made the density transfer. Chapman said that the person he was going to purchase the property from raised the asking price, making it unfeasible to do any project. He tried to secure a lot in another area but that did not happen. All of this just keeps running up his costs and he does not want that to happen.

Mr. Chapman then clarified some questions that had previously been asked. In response to the split face block, he said that it was a keystone wall along the driveway. He intended to carry the wall down the property-line and into the driveway, so that it is almost a retaining wall all the way around so that it all ties in together. The Majestic Oak trees will be replaced and he will continue to maintain the new replacements down through each property. They will be located to be visually attractive. The Geotechnical Report states that behind the house there is a 15-ft cut down through the bedrock. The Geologist was able to use another property's report to refer to as well as the report for this new property. The trees will help filter the roofline from looking like it is built into the slope. The project was not built off of Marburger because it is not an approved road and that would have allowed zero grading. The amount of grading is explained by the idea

that the house was built in and up. He is open to suggestions to eliminate dirt from being removed. By raising the house, the driveway, and the garage, each foot that is raised up is 15 cubic yards. The percentage of dirt that is saved does not increase too much either. There was an elevator shaft the first time and it equated to 45 cubic yards for the 5-ft by 10-ft shaft that went all the way up to the 3<sup>rd</sup> story. He has tried to minimize the grading but because of the condition of the high slope off of the roadside, he has needed to get inside and he does not know of any other way.

C Petersen said that she does not see anything in the Engineer's Report that indicates that they looked at anything other than their three borings. Mr. Chapman said he supplied them with information from 2925 San Juan and through the engineers' visit to the site, they could see where he was going to place the house.

Purcell read a paragraph from the Engineer's Report on page 11 "Construction Observation and Testing." Mr. Chapman explained in terms of how his group looked at the paragraph. When a site is excavated, there may be conditions after digging down a certain number of feet. He said that he would have to meet these conditions if they arise or stay away from digging so deep that conditions arise.

PP de Melo asked to be able to look at the date of completeness for the project to make sure that there aren't any streamlining issues that need to be addressed in terms of continuing the items. Because the project was substantially redesigned from the February Planning Commission, staff is working with that date in terms of determining completeness. If the Commission is looking at continuing the item, there is time.

**MOTION: By C Wiecha, seconded by C Torre, to continue this item for revisions of additional Geotechnical information and to allow the applicant to explore reducing the amount of excavation by raising driveway grade and making other design adjustments.**

Ayes: Torre, Purcell, Gibson, Petersen, Wiecha, Mathewson, Parsons

The motion was for a date uncertain and CDD Ewing said that a new notice will be sent.

**Public Hearing – 2935 San Juan Boulevard: To consider a Single Family Design Review to construct a new three-bedroom 2,357 square foot single family house in a zoning district that permits a maximum floor area of 1,200 square feet. The applicant has previously received approval of a 1,200 square foot floor area transfer from a nearby vacant lot, thus increasing the allowed floor area for the subject site to 2,400 square feet. (Appl. No. 01-1024); APN: 043-202-070; Zoned: HRO-2 (Subdivided Hillside Residential Open Space); CEQA Status: Exempt; Colette Sylver (Applicant/Owner)**

SP Livingstone summarized that Staff Report, recommended approval, and informed the Commission that the applicant was present.

Colette Sylver passed around some material that she had brought with her for the Commission. She said that the application had been revised from the one that was previously before the Commission February 6, 2001. She reduced the grading from 850 cubic yards as suggested to 490 cubic yards. She said that to do so, she has moved the first, second, and third floors forward approximately 8 ft over the garage and reduced the roof deck on top of the garage. The garage has remained in the same location and maintained the minimum 18-ft front setback. Her driveway is 28 ft. The item to still be discussed is the Design Review aspect of the project, which she says meets all of the minimum required setbacks. She has the approval of each of the City departments and the City Geologist. She discussed the details of the material she passed out and the landscaping plan. She said that she has gathered over sixty signatures of approval from those in the neighborhood after discussing the plans and making copies for their review. She said that there currently is a tarp over the site to protect it from the rainy season but now that the rainy season is over, the tarp is to be removed in the next two weeks.

C Gibson stated that she did not bring the house forward. Ms. Sylver answered that the garage was not moved forward but the 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> floors have moved forward over the garage.

C Purcell asked what the new size of the garage deck was since the revision. Ms. Sylver said it was 6 ft by 20 ft.

## Open Public Hearing

Linda Gorgolinski, 2850 Belmont Canyon Road, owns a property at 2937 San Juan Boulevard, which is to the right of the proposed property. She informed the Commission that she fully supports the project.

Glenn Morgan, from San Juan Boulevard, said that as a resident on the block, he has seen a lot of change. Although not all of the changes have resulted in homes of exceptional quality, that is not the case here. He feels that the proposed home should get the Commission's approval. He commended the applicant for going forward to get the support from the neighborhood. He is glad that the project works with the slope of the hill. He thinks that this is a quality home.

**MOTION: By C Wiecha, seconded by C Purcell, to close the Public Hearing.**

Passed 7-0

C Purcell commented to staff that although it is being treated as a continuing project, it seems to her to be a different project with many new changes. CDD Ewing agreed that he too saw it as a new project and said that staff has processed it that way. C Purcell said that the only application before them was the Design Review and that all the other applications have already been approved under the different project. She accepted that this was not a problem.

C Wiecha commended the applicant on redesigning the project and said that she was impressed by Ms. Sylver getting Tom Webster's signature of support. She thinks that it is a nice house and the grading has been reduced substantially, almost by 40 percent of the original proposal. She thinks that the structure is nice looking and she has no concerns about the Design Review.

C Torre wanted to commend the applicant as well.

**MOTION: By C Torre, seconded by C Wiecha, to approve the Resolution to approve a Single Family Design Review at 2935 San Juan Boulevard.**

Ayes: Petersen, Gibson, Purcell, Wiecha, Torre, Mathewson, Parsons

Chair Parsons announced that the item may be appealed to the City Council within 10 days.

**Public Hearing – 1233 Lane Avenue: To consider a Single Family Design Review to expand an existing single-family residence to include a second story, with new decks, new master suite, an expanded kitchen and conversion of an exterior patio to a dining room. The project also includes the conversion of crawl space to an 80 square foot mud room/storage area. The remodel will add 1,314 square feet to an existing 2,170 square foot residence for a total of 3,484 square feet in a zoning district that permits 3,500 square feet. (Appl. No. 00-0041); APN: 045-283-190, Zoned R-1C; CEQA Status: Exempt; Sam Kwong/Arcus (Applicant)**

AP Ouse summarized the Staff Report, recommended approval, and informed the Commission that the applicant was present.

Chair Parsons noticed that the garage extends within the 15 ft setback and there is a permit issue for the garage, so he wondered how that was done since it would need a variance. AP Ouse explained that there is a carport. There has been some research and although she cannot find any original plans to know if the carport was originally put there, the garage was approved based on the fact that it was an existing, non-conforming encroachment into the setback. However, the details are fairly lacking in the Building Permit Review. It was however approved by the Planning Division in 1998.

C Gibson noticed that the project was just barely below the limit for square footage and wanted to know what would happen if the applicant came in for the Building Permit and happened to be a few feet over. AP Ouse said that the applicant would not be approved for anything over what the Commission approves. CDD Ewing added that the project would have to be redesigned to reduce the square footage or return to the Commission for a Floor Area Exception.

C Torre wanted to make clear that there was an existing permit for the garage to be built from 1998. She asked if the permit expires at some point if no action is taken on it. AP Ouse said that the original 1998 permit was extended and no work has been done to complete the conversion of the carport to the garage. The extension and renewal of the permit occurred in 2000. She said that the permit is now good for a few more months. C Torre asked about the height of the crawl space in the existing house and whether it was the same 6-ft to 6 ft 6 in space as it is today. AP Ouse said that it was between 6 ft 2 in to 6 ft 6 in., and that this is the way it was built originally.

C Petersen spoke about the height increasing by 7 ft and the discussion in the Staff Report about minimizing the disruption of the view from Lane Street. She asked to what degree the view was going to be disrupted. AP Ouse said that the current view will be somewhat affected but the applicant had tried to minimize that impact. For example, the second story is setback from the street and there has been a change in the roof style from the original to a flat roof. Considering that this is a second floor addition, the increase in height is minimal. The view angle AP Ouse used was driving southeast on Lane, not a neighbor's view.

#### Open Public Hearing

A neighbor on Lane Street said that the house is too large for Lane Street. She said that several neighbors did not get a notice.

#### **MOTION: By C Mathewson, seconded by C Purcell, to close the Public Hearing.**

Passed 7-0

C Petersen said that she was concerned about the possible lack of noticing. She was worried that if the neighbors did not get the notice, they may not know what is going on at the site. She wanted there to be a measure to be sure that the neighbors were informed.

C Purcell said that she likes the house and thinks it will be a significant improvement to the neighborhood but she too thinks that it would be good to have the applicant consult with the neighbors and make sure that everyone knows what the house is going to be. Even if the neighbors don't agree, their input could lead to improvements in the design and end up with a better project.

C Gibson said that he hopes that the noticing gets better in the future. He said that only one neighbor came in to object to the project. He said that he does not care for flat roof houses for the most part but when he went to the site, he observed neighboring houses had flat roofs. Therefore, this design conforms to the neighborhood.

PP de Melo said that there were no phone calls or letters received about this project and that there were 64 notices sent to properties within the range.

C Purcell asked staff about whether or not there could be some eye-catching envelope used to make sure that the recipient does not think that it is "junk mail." She has heard citizens say that they have not received a notice, yet she knows that the noticing is being done. Her assumption is that they are receiving it but not seeing it. Her suggestion is to package it more brilliantly. Chair Parsons suggested stamping the envelopes or using a bright colored envelope.

C Gibson said that he would like to see a notice posted at every project in large font. Chair Parsons asked if there was a reason that staff couldn't go out themselves and post the Public Hearing Notice. PP de Melo said that it is technically not required. Chair Parsons said they could discuss it more later. C Purcell said that the intent of the noticing is that people should receive it in the interest of good public relations and making sure that there is good neighborhood contact; she thinks that it should be considered. PP de Melo said that the notice is in the newspaper more than ten days prior to the meeting and the mailing is done ten days prior as well. C Purcell said that this happened to her and she lost the view from her window because she let a small notice that she didn't know meant anything slip by. She feels that this issue is extremely important. Chair Parsons said that they all agree on that issue and will discuss it later but at the moment, they need to focus on the current project.



C Wiecha said that her only concern was for the height and the encroachment. She thinks that there will be increased encroachment into the view zone but it is not substantial. She mentioned that there is no requirement in the Zoning Ordinance for this to be a one-story house. She feels that the applicant has done what he can and she does not think any additional redesign is going to lessen it. She therefore supports it.

**MOTION: By C Wiecha, seconded by C Gibson, to approve the Resolution for a Single Family Design Review at 1233 Lane Street, with the findings made in the Staff Report.**

Ayes: Wiecha, Purcell, Gibson, Torre, Mathewson, Parsons

Noes: Petersen

Chair Parsons announced that the item may be appealed to the City Council within 10 days.

8:40pm Break

8:45pm Resumed

**Public Hearing - 408 Oxford Way:** To consider a Single Family Design Review to remodel and enlarge the first floor and add a second story addition to include two bedrooms and one bathroom. The remodel will add approximately 882 square feet to the existing residence for a total of 2625 square feet in a zoning district that permits 3,500 square feet. (Appl. No. 01-0041); APN: 040-302-130; Zoned: R-1C; CEQA Status: Exempt; Phoenix Tong and Faye Lee – Applicant/Owners

PP de Melo summarized the Staff Report, recommended approval, and informed the Commission that the applicants were present.

C Purcell wanted to clarify that the existing roofline is going to be maintained in shape. PP de Melo confirmed that the existing roofline would be carried out for the new addition in terms of matching the style, type, shape, and pitch.

C Petersen discussed Criteria A and how this will be the only 2-story house on the street. PP de Melo said that other neighbors have already added a second story to their houses as well. However, adjacent to this specific lot, the houses are single story. This will not be the only second story house along this portion of Oxford.

C Torre mentioned the increase in bedrooms and bathrooms, from a 3 by 1 to a 4 by 2. She mentioned how the owners do not have a conforming garage. She wanted to know why the Commission was not looking at a Variance for this garage. PP de Melo said that there are two parking standards in the Ordinance. One sets the size of a new garage of 20 by 20 feet. The other sets a minimum parking space of 8 ½ by 18 feet. The current proposal has an existing garage that meets the minimum standard for two cars. With this particular project, it is viewed in light of the 8 ½ by 18 standards. (If this were a new house, the garage would have to be sited as a minimum of 20 by 20.)

C Torre asked that since this will be a two story house in comparison with the neighboring one story houses, has it been looked into whether or not this will cause a problem with privacy in terms of how the windows are placed. PP de Melo said that the lots are essentially flat, so any home is allowed to go to twenty-eight feet, including the homes adjacent to this property. In terms of privacy, the applicant has taken action to minimize these impacts. If there were a second story constructed on the home on either side, staff would look at how the construction of the windows on each of those second stories may serve as a privacy impact to those properties. Because the windows will look out over the rooflines of the other properties then the staff believes that the criteria that speaks to privacy is satisfied for this project.

C Torre wanted to confirm that the fence in the front yard is supposed to be only three feet. Chair Parsons said that she was speaking about the project that had to do with the intersection and a corner lot. PP de Melo said that this was not a corner lot project. PP de Melo said that front yard fences that are at the property line are required to be no more than three feet but that is more of a view or sight distance issue for a car pulling out of a driveway. However, if a fence is connected to the house, from that portion to the rear can be up to six feet.

Applicant Phoenix Tong offered to answer any questions.

Open Public Hearing

**MOTION: By C Wiecha, seconded by C Mathewson, to close the Public Hearing.**

Passed 7-0

**MOTION: By C Mathewson, seconded by C Purcell, to approve the Resolution for a Single Family Design Review at 408 Oxford Way.**

Ayes: Gibson, Petersen, Purcell, Wiecha, Torre, Mathewson, Parsons

Chair Parsons announced that the item may be appealed to the City Council within 10 days.

**Public Hearing – 2417 Casa Bona:** To consider a Single Family Design Review to remodel and enlarge the existing first floor and garage to provide two parking spaces and add a second story to include three bedrooms and two bathrooms. The remodel will add approximately 1,450 square feet to the existing residence for a total of 2,655 square feet in a zoning district that permits a maximum floor area of 2,665 square feet. (Appl. No. 01-0037); APN: 044-031-040 Zoned: R-1B; CEQA Status: Exempt; **Madigan – Applicant/Owner**

PP de Melo summarized the Staff Report, recommended approval, and informed the Commission that the applicant was present.

Chair Parsons confirmed with the applicant that the gravel area in front of the house was going to go away. Chair Parsons said that the owner would be able to park in the driveway.

Open Public Hearing.

**MOTION: By C Wiecha, seconded by C Purcell, to close the Public Hearing.**

Passed 7-0

C Mathewson noticed that the plans are not exceptionally detailed and he knows that when the applicant wants to receive permits, he will need more detail. He was just giving the applicant advance warning. C Gibson added that the applicant would need to receive the services of a registered engineer and submit detailed plans.

C Purcell encouraged the applicant to install solar panels on the roof and that she has recommended this for the previous applicant as well.

**MOTION: By C Purcell, seconded by C Wiecha, to approve the Resolution for a Single Family Design Review at 2417 Casa Bona Avenue with all the findings met.**

Ayes: Torre, Purcell, Gibson, Petersen, Wiecha, Mathewson, Parsons

Chair Parsons announced that the item may be appealed to the City Council within 10 days.

## **6. NEW BUSINESS**

C Purcell brought up item 5A from the Consent Calendar and her desire to pull it because she believes that the Resolution, as written, is not what the Commission voted on. She said that she remembered because it was her motion. CDD Ewing added that within the same meeting, any member voting in the affirmative could move to reconsider.

**MOTION: By C Mathewson, seconded by C Wiecha, to reconsider the Resolution for Amendment to Sections 8.1.4 and 8.4.1 (Parking) in the Belmont Zoning Ordinance.**

Ayes: Torre, Purcell, Gibson, Petersen, Wiecha, Mathewson, Parsons

C Purcell explained that when she made her motion the last time the item was discussed, it contained a five-year sunset provision and that it be reconsidered then to be evaluated for effectiveness. She said that the added clause was not currently part of the Resolution in front the Commission. PP de Melo said that if C Purcell would give staff the wording that she wanted, it could be added and voted on later. CDD Ewing told the Commission that they had voted to put the item back on the agenda to reconsider and now they are discussing the item. He told the Commission that the Resolution was currently before them to confirm the language that was acted upon. He said that C Purcell believed that it was missing one of the elements. He said that it can be put in specifically as part of 8.1.4 or 8.4.1 which would have to be worked on this evening and it would be brought back to the Commission on a later date.

CDD Ewing noted that the other option is possibly more expeditious and it includes adding a "whereas" and then the language would be brought to the Council. C Purcell said that she would prefer to see it in the Ordinance itself because she did not want it to get lost. CDD Ewing asked that if the Commission wanted it in the actual Ordinance, that the staff bring it back and not adopt it this evening because he was not quite sure where to add it in at the moment. C Purcell said that she would appreciate that, and she mentioned that her whole issue was that she feels that there should be variations of the Parking Ordinance within different areas of the City. Although that was not in her motion originally, she wondered if anyone wanted to bring that issue up. CDD Ewing said that it could not be brought up this evening because it was not part of the agenda. C Purcell asked if the whole topic could be brought up for discussion at a later meeting. It was agreed upon that this new issue would be more appropriate for General Plan.

**MOTION: By C Purcell, seconded by C Wiecha, to continue this item in order to allow staff to rewrite the language to include the "sunset clause."**

Ayes: Torre, Purcell, Gibson, Petersen, Wiecha, Mathewson, Parsons

Chair Parsons apologized to C Purcell for not letting the subject be brought up earlier when the first vote was taken because of the subject of her opposition.

## **7. REPORTS, STUDIES, UPDATES AND COMMENTS:**

Chair Parsons complimented C Petersen on clarifying why she voted "no" on a project. He stated that he was instructed to do this when he first joined Commission because it helps clarify for the public record why a Commissioner voted against a project. It is not required but it is good to say what a Commissioner's reasons were on a vote because if Council has to reconsider the project, they know how and why everyone has voted. Chair Parsons said that there were other issues brought up during the meeting that need to be clarified and looked at again. He said that he will be gone for the next meeting and he outlined a few of the topics on the next agenda.

Chair Parsons then brought up the issue of noticing and whether it could be discussed at the present meeting even though it was not on the agenda because it was an administrative action. CA Savaree said that the staff heard concern about the noticing provisions that are in the ordinances and maybe staff could outline for the Commission on an upcoming agenda what is required on different projects in terms of noticing. Then the Commission could determine whether they want to look into the topic further.

CDD Ewing said the Commission needs to discuss the topics for the Joint City Council Meeting, which will take place on May 15, 2001 at 6pm. It has been discussed in the past and each Commissioner has identified specific issues that they would like to see raised with the Council. He has looked over them and noticed that several of them have been dealt with lately, such as Floor Area revisions, Design Review revisions, and definitions and limits on excess Grading on steep lots. Other areas need more discussion. On the issue of the public noticing to neighbors and neighborhood participation, the Council has asked for some policy to be developed and this is one thing that could be a topic of discussion with the Council and may be productive. The enforcement of conditions and follow-up by Public Works has been brought up as well and maybe this needs to be discussed as well. There have been internal discussions but this could be brought forward.

CDD Ewing noted that at the next City Council meeting, he was going to take the Council through a PowerPoint presentation of the Design Review process from application to closing the file. He noted that

most of these processes happen behind the scenes but would be helpful for the Council to know. He will get handouts to the Commission so that they can see what it takes to get a permit in the City. He confirmed that it would be broadcast. He said that two Commissioners had mentioned the issue of larger lots and whether more than 4,500-sq. ft. should be allowed. Other issues mentioned are the idea of initiating Architectural Design Review and the long-term plan for El Camino Real.

CDD Ewing stated that staff is concerned about the Commission discussing some things not specifically identified in the code, such as the interiors of buildings and privacy, neither of which are permitted findings. There should be discussion of adding these in so that there is some guidance on how to take action on privacy. Commissioner Purcell said that she would appreciate having a privacy ordinance.

Chair Parsons said that the intent of Design Review was to force notification of the neighbors when citizens come in with projects. When he was first on the Commission, one of the biggest issues was that citizens were building houses within the square footage and didn't need a Variance such that neighbors did not have to be noticed. The applicants would come in with the drawings and the neighbors would suddenly have a window looking into their house. The intent was to deal with the privacy issue by forcing the applicant to talk to the neighbors and have more discussion with the neighbors in Commission meetings. However, this is not in the Design Review process. CDD Ewing mentioned that the Design Review process has no findings regarding privacy and no notice provision required. PP de Melo confirmed that noticing only occurs for Floor Area Exceptions. CDD Ewing said that noticing should probably be looked into.

Regarding the upcoming joint meeting, CDD Ewing wanted to narrow the agenda down to a few topics that can be discussed in the one-hour time frame. C Petersen mentioned that maybe only a few items should be addressed but to inform Council about other topics that have arisen and thought about. C Wiecha suggested that since several amendments to the Zoning Ordinance have been processed, these Commission actions have already spoken to the Council. She wondered if they really needed to revisit the parking and grading standards, and "Floor Area, Gross" definition since the Council has already taken action on them and unless further clarification was needed, they could save time on the agenda by not elaborating on these issues. CDD Ewing agreed and said that he would prefer to bring up items that have not had any formal action yet. C Petersen asked if there could be a draft of the neighborhood noticing issue so that the item is laid out for the Council. CDD Ewing said that he would do so.

CDD Ewing mentioned the issue of large lots and larger floor area, discussing how to give incentives to those with larger acreage without currently being able to give them more square footage versus the possible outcome of larger lots being subdivided. The next issue was Architectural Design Review and dealing with more than just scale, mass, and compatibility of materials and colors. C Wiecha said that she would be concerned about adding that additional level of review. It would have significant impact to the applicant and a perception impact that there would be a new level of governmental review on the whole process. It may not need to be pushed at this point. She thought that this was in response to a larger number of Design Review applications and maybe the Council should create a Design Review Board or subcommittee to handle Design Review only, where members may have some architectural expertise and add some architectural findings into the ordinance. She thinks that there is enough to discuss at the upcoming meeting with higher priority.

C Torre said that she was concerned about vacant lots with steep slopes where there isn't an existing house. The value of the land on the Peninsula has made it possible to consider development on the sites that previously would not have been considered. She asked why this was not on the list. CDD Ewing said that the definition of excess grading on steep lots was on the list. C Torre said that it isn't just about the definition but about the General Plan stating that subdivisions do not have to be granted and that at least one such was turned down recently. CDD Ewing said that subdivision applications are the place to address this issue because once lots are created, development is generally allowed. He is not as worried about a subdivision that is denied than he is about warranting substantial new policy work. He said that in reference to a recent subdivision, the proposal process worked. He wouldn't see that as a policy problem but if more of these types of projects begin to surface, then there may be a problem. C Torre said that the Commission has been struggling with each of the steep slope projects. C Torre asked her fellow Commissioners if they thought that discussing the issue and trying to get direction from Council on steep lots is worthwhile.

C Purcell said that she would like to have discussion with the Council about the San Juan Hills Plan, where it is going, and how much development they are looking for in the canyon. CDD Ewing said that he would add that topic to the list.

CDD Ewing read that the agreed upon items up to this point were as follows: 1. Neighborhood noticing and participation, 2. The enforcement of conditions, 3. The San Juan Hills Plan.

CDD Ewing brought up that the Council was going to receive a report from the City Manager on bond prioritization for Redevelopment Agency and that there is still 6.5 million dollars in bond proceeds to spend in the Redevelopment Agency. The Council will be studying in the next few weeks what its priorities are for that money. He thinks that this will address El Camino Real and may give a clue as to what the Council thinks along those lines. He did not think that this should replace discussion of it at the meeting but the context will be there. C Wiecha said that it is a big concern of hers and one of the reasons that she joined the Commission, yet there has not been enough progress. C Petersen asked if there would be enough time to prepare for the meeting. CDD Ewing said that the number of Building Permits for New Construction with Added Square Footage was fifty. C Purcell said that she was interested in Tree Permits.

C Torre said that she thought that the privacy issue was going to be put on the list. CDD Ewing said that was one of the topics to be discussed along with building interiors because building interiors is a topic that has been discussed in the Staff Reports and if an ordinance was adopted about it, it could be dropped from each Staff Report. C Wiecha said that there should not be a discussion of building interiors. C Torre said that it is reasonable when it flows with the issues already being discussed but on its own, it should not be focused on. She said that she will only mention building interiors if she feels that there is a safety hazard. She also said that if two-story houses arise more often on some of the smaller streets, those streets will become cramped. She said that privacy standards would help solve this.

C Purcell suggested that the Commission take a look at side yard setbacks, particularly in the hills because of the tree issues and maintaining the rural aspect of Belmont. Again, space between houses goes along with the privacy issue. A fourth accepted issue for the meeting is the privacy findings.

CDD Ewing said that past problems are solved by altering the future ordinance to help stop them from reoccurring. He said that something new might be created, called a "Site Plan Review," in which through grading, trees, and landscape plans the design findings, including privacy, can be kept in a single process. This would simplify the process and give a clearer way to get to the desired issues of Design Review without focusing on the technical issues.

C Petersen again brought up the idea of simply making mention to the Council of the other issues that the Commission has been discussing but there is not enough time for lengthier discussion. CDD Ewing said that he would compile all of the other issues for the Council. C Purcell asked for a brief explanation of each of the topics to explain to the Council why the Commissioners see these issues as possible ordinance amendments. Chair Parsons said that Council might have some of their own topics to discuss.

The Commissioners asked that the list be prepared for the next meeting so that they could review which topics were to be discussed and which ones were only going to be mentioned. CDD Ewing said that he would pose to the City Clerk to have an agenda review session with the City Manager and the Mayor, as to whether they want to include a particular item.

C Purcell said that she had attended the Library Task Force Meeting the night before and said that the next step forward will be to present to the Commission. The Task Force is looking for a recommendation and wants a special meeting date to do so. They may also try to fit into a City Council Meeting. They would like an interaction with the Commission to explain how the Task Force gathered its results. CDD Ewing said he was concerned that they may hope to get approval at the same meeting, and he said that he did not want to lead them on. He told them that they might not fit it all in one meeting.

CDD Ewing announced that Wednesday April 25, 2001, Nesbit School from 7-9pm has a community meeting to discuss ARCO. Also on Thursday May 3, 2001 from 7-9pm in the Senior Center, there will be the first Housing Element (of the General Plan) Workshop. C Torre asked staff for a copy of the demographic studies being synopsized about the Belmont community, even though they are based on 1990 Census Data.

## **8. ADJOURNMENT:**

The meeting adjourned at 9:50 p.m. to a regular meeting on Tuesday, May 1, 2001, at Twin Pines Senior and Community Center.

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Craig A. Ewing, AICP  
Planning Commission Secretary

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*Audiotapes of Planning Commission Meetings are available for review  
in the Community Development Department.*

*Please call (650) 595-7416 to schedule an appointment.*